



Ruling on killing infidel women, children and the elderly in war.

Allah says: **“Do not fabricate anything with your tongue, saying that it is halal and that it is Haram to fabricate a lie against Allah. Know that those who slander Allah are not successful. (Surat an-Nahl: 116)**

Imam Ibn Katheer writes in the interpretation of this verse: Allah Almighty forbade the polytheists to take the path of those who used to declare things lawful (halal) and unlawful (haram) and give them a name by mutual consent, such as Bahira, Wasila, Saba, Ham and other similar terms which they had coined in their pre-Islamic period and have now become part of their law. (Tafsir ibn Kath-eer). Ignorant people nowadays try to criticize the jihad and fighting around the world by distorting various terms, trying to disprove the blessed operations of the Mujahideen and putting the religion of Allah and the methodology of the forefathers behind the back. They incite Muslims to self-imposed laws, and thus play with the religion of Allah, and fabricate lies against Allah, saying that the disbelief of patriotism and nationality is the real Islam, or jihad and fighting have nothing to do with Islam. Therefore, it is necessary that these rules of jurisprudence of jihad be explained in the light of Shari’ah and in accordance with the understanding of the Salaf.

As mentioned earlier, it is **“the characteristic of disbelief”** that makes a disbeliever a **“warrior”** (harbi), which makes his life, wealth and honor lawful, unless he is one of the Ahl al-Mahidah, the Ahl al-Aman, or the Ahl al-Dhimma because These are exceptional cases in which he has protection of life and property.

However, in other cases, the Shari’ah forbids the killing of women, children and the elderly of the infidels under normal circumstances and prevents them from shedding their blood. But this is not the last and final command of the Shari’ah about them, but in some cases their killing is justified. Therefore, the objectors present only those hadiths which do not allow the killing of infidel women, children and the elderly under any circumstances, and leave out the

hadiths which justify the killing of infidel women, children and the elderly. Therefore, we will present here the proofs for both the legality and the illegality of this issue and then compare them in the light of the views of the jurists, which will make the truth as crystal clear for everyone to see.

First of all, we mention some of the proofs given by the objectors: In the Sahih-ayn, it is narrated from Abdullah ibn Umar that **in some of the expeditions of the Messenger of Allah, a slain woman was found, then he forbade killing women and children. (Bukhari - Book of Jihad and Travel)**. Also, in Sahih Muslim, it is narrated from Hazrat Burida bin Al-Hasib that **when the Prophet (PBUH) appointed a person as the commander of an army or detachment, he would especially order him to fear Allah and do good to the Muslims. To do Jihad in the name of Allah, fight in the way of Allah against him who disbelieves in Allah, strive hard and do not steal from the booty of war, and do not be unfaithful, and do not mutilate and do not kill the children. (Sahih Muslim: Kitab al-Jihad and travel)**.

Also, in Sunan Abi Dawood, it is narrated from Rabah ibn Rabi’ah that **we were in a battle with the Messenger of Allah (PBUH). When he saw that the people were gathered around something, he sent a man and said: Go and check why people have gathered around. So, the man came back and he said that they are around a slain woman. Prophet said she couldn’t fight. The companion said that Khalid ibn al-Waleed was on every first detachment, so he sent a man and said: Tell Khalid not to kill any woman or labourer. (Sunan Abi Dawood)**.

These are the arguments that forbid the killing of infidel women, children and the elderly, but is it a final ruling that it is not permissible to kill infidel women, children and the elderly under any circumstances? Or has there not been an incident in the time of the Prophet (PBUH) in which the children and women of the disbelievers were killed?

If so, what is the meaning of the ahaadith that have been narrated by the muhaddithin in the Sahihan and oth-

er books to justify their killings? And what is the meaning of those incidents which took place in the time of the Prophet and the Companions where the children and women of the disbelievers were ruthlessly killed!

Couldn't the companions of Prophet (PBUH) follow these commands themselves? Or today the people who criticize, want to abandon these orders and adopt a new religion that doesn't allow hurting the feelings of the infidels and polytheists? Or today's ignorant people, are unable to understand the contradictions in these hadiths? Even though the Salaf have explained these things openly. Or do they want to abandon the understanding of Salaf and want to interpret the religion through their own understanding?

The jurists, on the same grounds, have ordered the killing of infidel women and the elderly who are involved in the war in any way, such as giving their opinion or advising them in the war, providing financial support, inciting war against the Muslims, or Provoke, or help, or something like that. So, let's observe both sides of the picture according to the understanding of the Salaf-e-Saliheen, so that we can benefit from the method of the Salaf and move towards the truth, by the help of Allah. Before we mention the circumstances and cases in which it is permissible to kill the children, women and the elderly of the infidels, we will discuss some principles here so that it will be easier to understand.

One of the important principles on which the edifice of Islamic law is based is that there is a difference between the able (i.e., the work that is within the reach of man) and the non-obligatory (i.e., the work that is beyond the reach of man). Let it be kept, so this blessed saying of Allah Almighty indicates this: **So, fear Allah as much as you can, (Surat al-Taghabun: 16)**. This is a general principle that guides us in various chapters of the Shari'ah, whether it is a matter of worship or belief. As narrated in Sahih Muslim from Abu Hurayrah that the Messenger of Allah (PBUH) said: **If I order something, do as much as you can in it. (Sahih Muslim Kitab Al-Hajj)**.

Imam al-Nawawi writes in his commentary on this hadith: **This principle is one of the most important foundations of Islam and is an example of the "Jawami al-Kalam" that has been given to the Prophet (PBUH)**.

Under this principle, there are many rules of Shari'ah, such as prayers and all its types, so if one is not able to perform certain parts of the prayers or some of its conditions, then he should perform the remaining parts and conditions that are within his means. Similarly, a person who is not able to perform ablutions or ghusl will wash as much of his body as he can. (Sharh Muslim).

The scholars have taken the principle from the above-mentioned and other similar verses and hadiths that: What is meant by mentioning this rule here is that like other commandments of the Shari'ah, all the obligations in the commandments related to jihad are obligatory as far as

possible. Therefore, when it is beyond one's power to fulfil an order, it is not obligatory. Therefore:

1: In the first verse, the command not to kill is given only when it is possible to do so, but if the Mujahideen do not have the power to do so, for example, if they are in a state of emergency to destroy the enemy, exterminate, drown, or so on. If someone else is forced to do something, it will be permissible for them to do so.

2: Similarly, it is obligatory to refrain from killing women and children only when it is possible to separate them from adult men, but if it is not possible for the Mujahideen to distinguish between them, such as bloodshed, raids or other like that. In other cases, where women and children have mingled with the militants, it would be permissible to kill them side by side with the militants.

3: Similarly, killing a Muslim under normal circumstances is Haram and unlawful. But if it is not possible for the Mujahideen to defeat the infidels or wage jihad against them without killing a Muslim, then it is permissible to do so. For example, when infidels use Muslim prisoners as a shield in front of them (and it is not possible to target the infidel army without killing them, then it is permissible to attack with the intention of killing the infidels, even if the Muslims are killed as a result).

Therefore, it is permissible to kill the old men, women and children of the infidels with other infidels without any intention, provided that they become targets with the fighters for which they cannot be identified, in such case it is permissible to kill them. The evidence for this is the hadeeth narrated in Saheeh from Saab ibn Jathama (RA) that he said: **The Prophet (PBUH) was asked about the descendants of the polytheists. Women and children also become targets, so he said: "They are among them." (Sahih Muslim)**.

This hadith proves the justification of killing infidel women and children with their parents when they are not recognized. According to a Muslim narration, **"He is among his parents"**. Similarly, it is narrated from Hazrat Abdullah bin Umar that the Holy Prophet raided Bani Mustaliq while they were in a state of negligence and their animals were drinking water. **The Prophet (PBUH) killed those of them who were about to fight and imprisoned the women and children. (Sahih Bukhari)**.

Similarly, it is narrated in Sahih Ibn Hibban that the Prophet (PBUH) made Abu Bakr the commander of our army, so we fought the polytheists, raided them at night and killed them. Our secret sign of attack was **"Amit Amit"**. Hazrat Salamah says that he killed the mushrikeen of seven houses with his own hand that night. (Sahih Ibn Hibban). The same hadith is also found in Sunan Abi Dawood, Musnad Ahmad with more or less words and Haakim has declared it to be saheeh on the terms of Muslim. Imam Ibn Hujra says in the context of the hadith of Sa'ab bin Jathama: You say that Ahl-e-Dar means family. The Prophet (PBUH)

said: **If they become a target due to mixing, then it is permissible to kill them, and he added: The meaning of this hadeeth is that if a woman fights, she will be killed. (Fath al-Bari Laban Hajar).**

Therefore, Imam Muslim has regularly included this chapter in Sahih Muslim: **“It is permissible to kill women and children unintentionally at night”** and Imam al-Nawawi, in his commentary on Sahih Muslim, says: **That is, when the Prophet (PBUH) was asked about the attack on the women and children of the Mushrikeen and the women and children were killed as a result, he explained: They are among their parents.**

In other words, there is nothing wrong with that. This is because they will be subject to the same rules as their parents, in wills, in marriages, in QISAS and Diyat, and in other matters like them. And it also means that this killing should not be intentional and will not be killed unless it is necessary, as mentioned in the previous hadiths regarding the prohibition of killing women and children. So, this means that if a distinction between women and children is possible. And this is the religion of Imam Malik, Imam Abu Hanifa and other majority of scholars. And night raids mean when they are attacked at night when a man cannot be distinguished from women and children, and here in this hadeeth there is evidence of night raids, and it also allows that those who have received the invitation can also be attacked in negligence. And this hadeeth also shows that the ruling of the children of polytheists in this world is the same as the ruling of their parents, and as far as the Hereafter is concerned, if they die before they reach puberty, then there are three opinions of the scholars. The first opinion, which is more correct, is that they will be in heaven, the second opinion is that they will be in hell, and the third opinion is that nothing has been decided about them. God knows best. (Sharh Al-Nawawi Ali Al-Muslim).

Imam Ibn al-Athir (may Allah be pleased with him) said: **“Yabitun”** means to attack the enemy at night and in their negligence and to return the spoils. Your statement that **“they are one of them.”** This means that the Shari’ah ruling of these children and women and the Shari’ah ruling of their families is the same. A similar meaning is found in a narration in which the Prophet (PBUH) said: **He is one of his parents. (Comprehensive Principles).**

Imam al-Nawawi said: There is a consensus among the scholars to follow this hadith and to forbid the killing of women and children who do not fight, but if they do fight, the majority of the scholars say that they will be killed. And you add: In the same way, it is not permissible to kill anyone who is not fit to fight, unless he actually fights, or gives his opinion to the enemy in battle, or obeys him, or incites him to fight, and so on. Work, (Sharh Al-Nawawi Al Muslim).

Imam Ibn Qudaamah (RA) said: It is permissible to kill women and children in a night raid and in their homes if it is not intended to kill them alone. And it is permissible

to kill these disbelievers and to kill their animals in order to defeat them. And there is no difference in it, (al-Mughni wa al-Sharh). Imam Ibn Qudaamah quotes Imam Ahmad ibn Hanbal as saying: There is no harm in killing at night. Was the attack on Rome anything other than the night of blood? And we do not know that anyone disliked killing the enemy at night (Al-Mughni). Hafiz Ibn Hajar Asqalani also quotes Imam Ahmad ibn Hanbal as saying: There is nothing wrong with killing these infidels at night and I do not know of any scholar who disagreed with this. (Al-Bari Ibn Hajar).

Imam Abu Dada has narrated in his message that the Prophet (PBUH) had installed a catapult against the people of Ta’af. (Sahih Al-Tirmidhi) Similarly, Bayhaqi has narrated about Amr bin Al-Aas that he used a catapult against the people of Alexandria. With reference to the conquest of Caesarea, Bayhaqi himself quoted Yazid ibn Abi Habib as saying: They (i.e. Muslim soldiers) used to shell Caesarea daily with sixty catapults.

This battle took place in the time of Umar bin Khattab (RA). Even after that, Muslims continued to use catapults in various wars. So, Saeed ibn Mansoor narrates from Safwan ibn Amr that: In the time of Amir Mu’awiyah, Jinada ibn Abi Umayyah al-Azdi, Abdullah ibn Qais al-Fazari and his other naval commanders rained fire on their enemies, especially the Romans, and burned them. Muslims used this tactic against their enemies. Then he says: This was the practice of the Muslims even in the later periods. Saeed ibn Mansoor also narrated from Alqamah that he took part in a battle in the time of Amir Mu’awiyah and saw that Muslims used to fire shells at their enemies with catapults.

Shaykh Nasir al Fahd (may Allah hasten his release) says: Therefore, scholars agree that it is permissible to use catapults and other such means against the enemy. And it is no secret that the catapult does not distinguish between women, children and adult men and destroys everything that comes in its way. This indicates that if, according to the Ahl hal wal-Aqd of the Mujahedeen, the destruction of the infidels’ territories and the killing of the infidels is a requirement of jihad, then it is permissible according to sharee’ah because the Messenger of Allah (saw) and his successors used to fire catapults at the infidel population until the area was conquered. And no one has ever stopped the Muslims from doing so for fear of uprooting the infidels and destroying their territory.

Shaykh (May Allah hasten his release) further adds: If we collect all these ahaadeeth, it becomes clear that what is actually forbidden is that they did not attack women and children with the intention of killing them. However, if they are killed accidentally, for example in a bloodbath or raid, or when it is not possible to distinguish between them and other fighters, then there is nothing wrong with killing them, because of the presence of women and children. Jihad cannot be suspended. (Ruling on the use of weapons of war against infidels).